

# EXHIBIT O

National Office  
40 Rector Street, 5th Floor  
New York, NY 10006

T 212.965.2200  
F 212.226.7592

[www.naacpldf.org](http://www.naacpldf.org)



Washington, D.C. Office  
700 14th Street N.W., Suite 600  
Washington, D.C. 20005

T 202.682.1300  
F 202.682.1312

October 3, 2022

*Via E-Mail*

John M. Gore  
Jones Day  
51 Louisiana Ave NW,  
Washington, DC 20001  
[jmgore@jonesday.com](mailto:jmgore@jonesday.com)

**RE: LUPE v. Abbott, 5:21-cv-844 (WD Tex); Discovery Correspondence - M&C  
Intervenor-Defendants**

Dear John,

We have received your email on September 23 and your letter dated August 29. We write to follow up on and better understand GOP Intervenor's claims of privilege in this matter. To do so, we think it appropriate to conduct another meet and confer this week, the week of October 3, 2022. As you know, the scheduling order contemplates the deadline for completion of discovery on matters related to the primary election as to Intervenor on October 24, 2022.

GOP Intervenor's have articulated general objections to producing documents based on legislative privilege, First Amendment associational privilege, and other privileges but have not objected to any specific request for production of documents based on a claim of privilege. This makes any failure to produce a privilege log particularly inappropriate. In our initial meet and confer on August 11, as well as in Plaintiffs' August 19 correspondence, Plaintiffs expressed specific concern over the GOP Intervenor's privilege-related objections. In the August 11 meet and confer, GOP Intervenor explained that because you were in the early stages of document collection and review, you were not aware of how voluminous the documents withheld under claims of privilege would be, but indicated that you anticipated many First Amendment privilege claims in particular. GOP Intervenor's letter dated August 29 stated that "Intervenor do not yet know the size or scope of the document collection or the extent to which potentially responsive documents might implicate First Amendment or other privileges." In GOP Intervenor's September 23 correspondence, you again noted that GOP Intervenor "are still collecting and reviewing documents" and remain "unable to determine at this juncture whether the existing protective orders are adequate to protect our clients' interests." Plaintiffs served their requests for production on GOP Intervenor on June 1, 2022, approximately four months ago.

GOP Intervenors have thus far failed to clarify your position with respect to the general objections on the basis of privilege and to the production of a privilege log. Plaintiffs reiterate the requirement of an opportunity to assess these privilege claims on a document-by-document basis, as required by Federal Rule of Civil Procedure Rule 26(b) and the ESI Order entered in this case.

Intervenors' delay in assessing claims of privilege will almost certainly result in discovery delays. Given the already lengthy delays on the part of GOP Intervenors, we request a meet and confer this week, possibly either October 6 or 7, 2022, to avoid the time, costs, and delays associated with unnecessary discovery motions.

Regards,

Kathryn Sadasivan  
NAACP LDF  
40 Rector St, Fl 5  
New York, NY 10006  
ksadasivan@naacpldf.org

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